REMARKS

These remarks are being filed in response to the Office Action dated October 13, 2009.

By way of summary, Claims 66-68 and 70-87 are pending in this application. Claims 66, 84, and 85 are the independent claims. No claim amendment is made, and no new claims are added herein. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 U.S.C § 112

Claim 87 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that the limitation "detection of the departure of the user without manual input from the user" of Claim 87 conflicts with the limitation "performed by software configured to use artificial intelligence to examine input or writing style of another user." Applicants respectfully disagree.

The claimed device is configured to detect the departure of a first user without manual input from the first user, and is further configured to use artificial intelligence to examine input or writing style of a second user (i.e., the "another user") to identify that the first user has departed, and as a result lock the communications session. *See* Subject Application, paragraph [47]. In such circumstances, manual input from the first user is not provided. Applicants therefore respectfully submit that the limitations of Claim 87 do not conflict, and respectfully request the rejection of Claim 87 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claim Rejections – 35 U.S.C § 103

Claims 66, 70, 80, 82, 84, and 85 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,244,957 ("Walker") in view of U.S. Patent No. 6,145,083 ("Shaffer"). Claims 67, 68, 72-74, 77-79, and 81 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of U.S. Patent Application Publication No. 2005/0080915 ("Shoemaker"). Claims 71 and 76 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of U.S. Patent No. 6,854,009 ("Hughes"). Claim 75 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of U.S. Patent No. 6,876,644 ("Hsu"). Claims 83 and 86 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of U.S. Patent No. 7,089,508 ("Wright"). Claim 87 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Shaffer and further in view of U.S. Patent No. 7,219,233 ("Hendriks"). Applicants respectfully traverse these rejections. Reconsideration and withdrawal of these rejections are respectfully requested.

<u>Claims 66, 84, and 85</u>

The applied references are not understood to disclose or suggest the features of independent Claims 66, 84, and 85, particularly with respect to at least the following features: transmitting a lock session signal for locking a communications session upon an occurrence of a predetermined event, wherein the predetermined event comprises a detection of a departure of the user without manual input from the user.

"A prior art reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead away from the claimed invention." MPEP 2141.02 (emphasis in

original). "A prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness.... It is improper to combine references where the references teach away from their combination." MPEP 2145.

Applicants respectfully submit that the manual input required by Walker's slot machine to start a locked automated play session teaches away from starting a locked automated play session without manual input from the player.

The Office Action contends Walker discloses <u>requiring a player to enter player parameter selections</u>, including limiting criteria such as lock start and end times, to begin a locked automated play session (which is alleged by the Office Action to correspond to Applicants' "lock session signal for locking a communications session upon an occurrence of a predetermined event"). Office Action, p.5. The automated play session then proceeds according to those selections. *Id.* Walker, however, does not teach or even suggest starting a locked automated play session without the player parameter selections from the player, or without any manual input from the user. Walker, therefore, teaches away from starting a locked automated play session <u>without manual input from the player</u> or <u>upon a detection of a departure of the player without manual input from the player</u>.

The Office Action concedes that Walker does not disclose a "predetermined event comprises a detection of a departure of the user without manual input from the user," but contends that it would have been obvious to combine Walker with Shaffer, which allegedly discloses this limitation, because "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide means to detect the departure of a user as a predetermined event without any manual input from the user, as taught by Shaffer et al., in the

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computing device of Walker et al., so as to provide a secure remote session for users." Office Action, pp.6-7. Applicants respectfully disagree with this contention.

Shaffer discloses that a timing mechanism monitors manipulation of user input devices to detect periods of inactivity and that a screen saver switches a computing device to a locked mode when the computing device is idle for a period exceeding a preselected period. Shaffer, col.5 ll. 18-25.

The Office Action appears to suggest that Walker's slot machine could have been modified by Shaffer such that Walker's slot machine would start its locked automated play session without manual input from the player by utilizing a timing mechanism of Shaffer to detect periods of inactivity. Such proposed modification, however, would render Walker's slot machine unsatisfactory for its intended purpose; therefore, there is no suggestion or motivation to make the proposed modification.

It is well established that "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP 2143.01(V).

Walker's device is a slot machine, and the slot machine cannot start its locked automated play session without receiving certain manual input from the user. A user would likely never allow a slot machine to start a locked automated play session without a specific input from the user (e.g., bet per game, number of games, maximum payout) because otherwise, during the locked automated play session, the slot machine would be allowed to spend the user's money at the slot machine's discretion (rather than the user's discretion). No user would play such a slot machine (a machine that starts to spend a user's money automatically without user's specific

instructions). Accordingly, if Walker's slot machine were to be modified so that its locked automated play session could be initiated without manual input from the player, then Walker's slot machine, as modified, would render the slot machine unsatisfactory for its intended purpose. Therefore, there is no suggestion or motivation to modify Walker's slot machine as proposed by the Office Action. Furthermore, the Office Action does not identify aspects of the other cited references that remedy the above-mentioned deficiencies.

Accordingly, Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness of the independent claims, namely Claims 66, 84, and 85, each of which features transmitting a lock session signal for locking a communications session upon an occurrence of a predetermined event, wherein the predetermined event comprises a detection of a departure of the user without manual input from the user.

<u>Claim 77</u>

The Office Action also contends that it would have been obvious to combine the slot machine of Walker with the thin client disclosed in Shoemaker. Office Action, p.16. Applicants respectfully disagree with this contention.

The slot machine of Walker is configured to allow a user to physically approach the slot machine and enter player parameter selections so that the player can play the slot machine in hopes of hitting a jackpot payout. Walker, col.7 ll.7-14 and col.8 ll.10-45. Applicants respectfully submit that the inability of a player to enter player parameter selections to play the slot machine would render the device of Walker inoperable. It is well known to those of ordinary skill in the art that a thin client relies on its connection to a server to function, and that the connection is never fail-safe. It is also well known to those of skill in the art that when the connection between the thin client and the server fails, the thin client is rendered non-functional,

at least with regard to providing data to the server. If the slot machine of Walker were to be combined with the thin client of Shoemaker, and the slot machine were to become a thin client, then any inevitable failure of a connection between the slot machine and the server would prevent a user from entering player parameter selections that would need to be provided to the server in order to allow game play of the slot machine, thereby rendering the device of Walker inoperable. Accordingly, a person of ordinary skill in the art would not have been motivated to combine the thin client of Shoemaker with the slot machine of Walker, and therefore it would not have been obvious to combine the thin client of Shoemaker with the slot machine of Walker.

Accordingly, Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of obviousness of dependent Claim 77, which recites a thin client.

<div align="center">Other Remarks</div>

The other pending claims in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be other reasons for patentability of any or all claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.
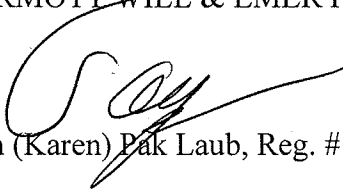
In view of the foregoing remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Applicants' undersigned attorney may be contacted at the address and telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

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